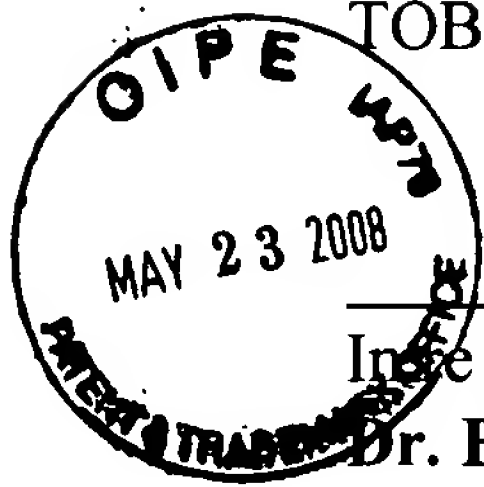


05.27.08

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TOBINICK 3.0-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Dr. Edward L. Tobinick, M.D.

Serial No.: 09/275,070
Filed: March 23, 1999
Patent No. 6,015,557
Issue Date: January 18, 2000

Examiner David A. Bucci
Petitions Examiner

**TUMOR NECROSIS FOR THE
TREATMENT OF NEUROLOGICAL
DISORDERS**

Office of Petitions

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

05/20/2008 NNGUYEN1 00000023 6015557

01 FC:1462

400.00 OP

PETITION FOR RECONSIDERATION

Sir/Madam:

Enclosed are the following documents filed by Express Mail on March 13, 2008:

1. Petition To Accept Unintentionally Delayed Payment of Maintenance Fee
(3 pages)
2. Copy of check for \$2820 cashed by the U.S. Patent Office.
3. Returned Postcard stamped by the U.S. Patent Office on March 14, 2008,
acknowledging receipt of foregoing Petition To Accept and check; for
4. U.S. Postal Service Tracking Sheet confirming delivery of package on March 13,
2008.

Based on all the foregoing, it is submitted that the undersigned filed the three (3) page
Petition, and the check, and the postcard with the U.S. Patent Office, and it is also submitted
that the Petition should have been granted as filed.

However, the undersigned also faxed a letter for reduction of fees to the Patent Office on March 13, 2008 and attached the first page of the Petition to the fax. It appears that the Examiner received only the fax and acted only on the fax. Since the Express Mail package containing the full petition and check were signed for by D. Holloway, the U.S. Patent Office should have these documents. The enclosed stamped postcard also acknowledges receipt of these documents by the U.S. Patent Office.

Thus, the original Petition with the check for \$2820 should have been granted as filed, and the undersigned hereby requests reconsideration of that Petition.

In addition, the undersigned also requests the following relief: (1) A refund of the enclosed \$400 fee for reconsideration, since the undersigned filed all the necessary documents with the original Petition; (2) A further refund of the surcharge fee of \$1640, since the maintenance fee was timely paid (in the amount of \$1215), and was missing only the \$30 increase in fees. It is submitted that the applicant should have only been charged the missing \$30 fee, instead of \$1640.

Thank you for your prompt consideration of this matter.

Respectfully submitted,
EZRA SUTTON, P.A.

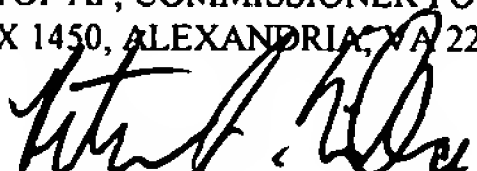

EZRA SUTTON, Reg. No. 25,770

Plaza 9, 900 Route 9
Woodbridge, New Jersey 07095
(732) 634-3520
ES/pq

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
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The problem
has been resolved.The problem
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EZRA SUTTON, P.A.
A PROFESSIONAL CORPORATION
ATTORNEY BUSINESS ACCOUNT
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WOODBIDGE, NEW JERSEY 07095 U.S.A.

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15837

3/10/2008

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TOBINICK 3.0-007 PAT. NO. 6,015,557

Ezra Sutton



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TOBINICK 3.0-007 PAT. NO. 6,015,557

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TOBINICK 3.0-007 PAT. NO. 6,015,557

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EZRA SUTTON, P.A. TOBINICK 3.0-007 PAT. NO. 6,015,557

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PTO/SB/66 (10-05)
Approved for use through 04/30/2009. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)
TOBINICK 3.0-007

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,015,557 Application Number 09/275,070

Issue Date 2000-01-18 Filing Date 1999-03-23

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

- ☐ is a reissue of original Patent No. _____, original issue date _____;
original application number _____,
original filing date _____.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international
application _____ filed on _____.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

March 10, 2008
Date

Ezra Sutton
Signature

Ezra Sutton, P.A.
Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1,180.00</u>	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1,180.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.SURCHARGE BEING SUBMITTED \$ 1640.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2,820.00.☐ Please charge Deposit Account No. _____ the sum of \$ _____. A duplicate copy of this authorization is attached.☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 504246. A duplicate copy of this authorization is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

7. OVERPAYMENT

As to any overpayment made please

- OR ☒ Credit to Deposit Account No. 504246
- ☐ Send refund check.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Ezra Sutton March 10, 2008
 Signature(s) of Petitioner(s) Date

Ezra Sutton, P.A. 25,770
 Typed or printed name(s) Registration Number, if applicable

732-634-3520
 Telephone Number

900 Route 9 North
 Address

Woodbridge, N.J. 07095
 Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

- ☒ Maintenance Fee payment
- ☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☐ _____